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Attorneys for Defendants Urban Housing
Development, LLC, an Oregon Company,
Stewardship Realty, an Oregon Company,
Vladimir Ozeruga, an Individual

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

(PORTLAND)

PALAZZO VINTAGE HOMES, LLC,

Plaintiff,

v.

URBAN HOUSING DEVELOPMENT,
LLC, an Oregon company, STEWARDSHIP
REALTY, an Oregon company, DEZ
DRAFTING & DESIGN LLC, an Oregon
company; VLADIMIR OZERUGA, an
individual, E & O VENTURES, LLC, an
Oregon company; and SLAVIK
DEZHNYUK, an individual,

Defendants.

Civil No.: 09-CV-952-JE

**AMENDED NOTICE OF INTENT TO
OBJECT TO WITHDRAWAL OF
COUNSEL**

Defendants Urban Housing Development, LLC, Stewardship Realty, LLC, Vladimir

Ozeruga, and E & O Ventures, LLC (“Defendants”) hereby provide notice of their intent to

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object to Plaintiff's counsel of record Brantley C. Shumaker and Kolisch Hartwell, P.C.'s request to withdraw unless a substitution of counsel is filed on Plaintiff's behalf.

On June 11, 2010, Plaintiff's counsel of record, Brantley C. Shumaker and Kolisch Hartwell, P.C. filed a Notice of Withdrawal, representing to the Court that, "Co-counsel Peter Heuser has recently left Kolisch Hartwell, and is now at Schwabe, Williamson & Wyatt. It is our understanding that Mr. Heuser and his new firm are representing plaintiff." (Doc. No. 52) Prior to filing their *Notice of Withdrawal*, Plaintiff's counsel of record Brantley Shumaker and Kolisch Hartwell provided Defendants' counsel a draft of a different proposed form of withdrawal – an unopposed *motion to withdraw*. See Declaration of Laura Caldera Taylor at Ex. 1. Defendants' counsel responded within 15 minutes indicating that Defendants "cannot consent to Kolisch's withdrawal until we know whether Plaintiffs will be represented by Schwabe. You probably need to add the L.R. 7.1 certification and show that we have conferred, we do not oppose the extension of time, but we cannot consent to the withdrawal at this time." Taylor Decl. at Ex. 2.

Defendants could not consent to the proposed motion to withdrawal because Peter Heuser, having joined Schwabe Williamson and Wyatt on June 1, 2010, had repeatedly represented to Defendants' counsel that while he was optimistic that he and his new firm would be able to represent Plaintiff in this case, neither had been officially retained. Taylor Decl. at Ex. 3. Further, as recently as June 15, 2010, Mr. Heuser represented to Defendants' counsel, "All I can say is that I continue to think that I will be representing the plaintiffs, and I will let you know as soon as that is verified." *Id.* at Ex. 4.

Given that Schwabe Williamson and Wyatt does not currently represent Plaintiff, if Kolisch Hartwell is permitted to withdraw, Plaintiff will be unrepresented. As Plaintiff and

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their counsel are aware, immediately prior to Mr. Heuser leaving Kolisch Hartwell, Defendants' counsel was attempting to obtain de-designations under the Stipulated Protective Order of deposition testimony and documents Defendants intend to use to support a motion for terminating sanctions against Plaintiff, and monetary sanctions against both Plaintiff and its counsel for their contumacious and obstructionist discovery behavior. *See* Taylor Decl. at Ex. 5. However, with the status of Plaintiff's representation in limbo, the case has ground to a halt.

Plaintiff has brought serious claims against Defendants. The status of Plaintiff's representation has caused delays in the prosecution of this case. In order to permit Defendants the opportunity to move this case forward, Plaintiff's counsel of record should not be permitted to withdraw unless and until new counsel of record appear on Plaintiff's behalf. For the reasons set forth herein, Defendants provide notice that unless substitution of counsel has been filed by Monday, June 21, 2010, Defendants will file a formal objection and will seek a Court order precluding Brantley Shumaker and Kolisch Hartwell's withdrawal unless and until a substitution of counsel is filed.

DATED: June 17, 2010

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By /s/ *Laura Caldera Taylor*

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